

**BEFORE THE STATE BOARD OF MEDIATION
STATE OF MISSOURI**

COMMUNICATIONS WORKERS OF AMERICA)		
2334 Olive Street)		
St. Louis, Missouri 63101)		
Petitioner,)		
)	
vs.)		Public Case No. 76-009
)	
PIKE COUNTY MEMORIAL HOSPITAL)		
Louisiana, Missouri 63353)		
)	
Respondent.)		

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION

A hearing was convened on July 9, 1976, at the Pike County Courthouse, Bowling Green, Missouri, before a quorum of the State Board of Mediation consisting of Harry R. Scott, Esq., employer member, Robert Missey, labor member, and Michael C. Horn, Esq., public member and chairman.

The Communications Workers of America (hereinafter referred to as the petitioner), seek to represent the employees in the following unit:

All occupational employees of Pike County Memorial Hospital including the nursing staff, technicians, aides, housekeeping, dietary, maintenance, ambulance service, unit secretaries, but excluding guards, professional employees, confidential employees, supervisory employees, and the business office clerical.

The Pike County Memorial Hospital (hereinafter referred to as the respondent) contends that the requested unit is inappropriate because, inter alia, it includes registered nurses which the respondent opposes for the reason that registered nurses do not share a sufficient community of interest with the other employees in the petitioned for unit. The respondent further contends that the only unit which would

appropriately include registered nurses would be an "all professional" unit, composed of all professional employees of the hospital.

The respondent further seeks to include the business office clerical based upon similarity of wages, hours, and working conditions between business office clericals and other nonprofessional employees.

STATEMENT OF FACTS

The main issues to be determined by this Board are as follows:

I.

WHETHER THE REGISTERED NURSES EMPLOYED BY THE PIKE COUNTY MEMORIAL HOSPITAL SHARE A SUFFICIENT "COMMUNITY OF INTEREST" TO BE INCLUDED IN AN APPROPRIATE UNIT WITH THE OTHER EMPLOYEES.

In order for a person to apply for licensure as a registered nurse in the State of Missouri the following requirements must be fulfilled:

"An applicant for a license to practice as a professional registered nurse shall submit to the board written evidence, verified by oath, that the applicant is nineteen years of age, of good moral character, in good physical and mental health, has completed at least an approved four-year high school course of study or the equivalent thereof as determined by the state board of education, and has completed the basic professional curriculum in an accredited school of nursing and holds a diploma therefrom. The applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral practical examination..."
Section 335.040 RSMo Cum. Supp. 1973.

The registered nurse is the only employee within the hospital that possesses the necessary knowledge and training to perform the patient care function of vena puncture.

Registered nurses are the only employees permitted to admix venous fluids.

The salary scale for registered nurses is considerable higher than that for the licensed practical nurse.

The Joint Commission on Accreditation of Hospitals requires every hospital to have a separately administered and directed department of nursing. The Commission does not require a separate organization of any other hospital department.

The registered nurse is an individual, who by her educational background, knowledge and skills, possesses the ability to make a judgment decision as to the intervention required for the delivery of care, whether reporting it to the physician or delegating certain procedures to other employees.

II.

WHETHER THE EMPLOYERS DESIGNATED AS BUSINESS OFFICE CLERICAL EMPLOYED BY THE PIKE COUNTY MEMORIAL HOSPITAL SHARE A SUFFICIENT "COMMUNITY OF INTEREST" TO BE INCLUDED IN AN APPROPRIATE UNIT WITH THE OTHER EMPLOYEES.

The admissions clerk, who is a part of the business office clericals, is primarily concerned with the admitting of the patient, assignment of rooms, transferring patients from one room to another as medical necessity dictates. In the performance of these duties, there is a considerable amount of interrelationship between the admissions clerk, nursing personnel, emergency room personnel, ambulance personnel and unit secretaries.

The admissions clerk spends at least 90% of his time working directly with the nursing service personnel.

The individuals employed within the Medical Records Department work with various medical staff and nursing committees to establish forms and procedures for the recording of all medical information.

There is a considerable amount of interrelationship between the medical records clerks and the unit secretaries and nursing personnel.

The remainder of the business office consists of the following categories: accounting assistant, switchboard operators and insurance clerks.

The business office clerical share the same fringe benefit program as all other hospital employees, they eat in the same cafeteria with all other hospital employees, and they punch the same time clocks as the other hospital employees.

The unit secretaries in the nursing service department possess skills and abilities which are similar to those possessed by the medical records clerks. The rate of pay of a unit secretary is similar to that of an employee in the business office.

CONCLUSIONS OF LAW

I.

A review of the record plainly demonstrates that the registered nurses constitute a well-defined professional group of employees whose training, skill and duties differ from those of the other hospital employees. The registered nurses, therefore, do not share a sufficient "community of interest" to merit their inclusion in a unit with nonprofessional employees.

II.

The record in this matter demonstrates that the business office clerical employees possess an identical community of interest with other nonprofessional employees in the hospital. Their wages, hours and working conditions are similar to those of the employees in the departments sought by petitioner and, furthermore, the business office clerical employees come into daily contact with the employees in the departments petitioned for. This similarity can be most readily observed in the case of the unit secretary whom the petitioner seeks to include in the unit. Unit secretaries perform virtually identical duties to those performed by business office clerical employees, receive similar rates of pay and share in the same fringe benefit program. The distinction between unit secretaries and business office clericals is the place where their duties are performed. In a hospital the size of Pike County Memorial Hospital, to

make a distinction between an employee who works on the first floor and an employee who does the same job on the second floor is to ignore the reality of the working conditions of the employees.

The petitioner argues that the business office clerical should be excluded from the appropriate unit because they have shown no interest in being represented by petitioner. The extent to which the petitioner has organized a group of employees is a factor which this Board has considered in determining an appropriate unit, however this issue should never be the controlling factor.

This Board has wide discretion in making a determination of what is an appropriate unit in each case. In making the determination of whether or not a unit is appropriate, the Board looks to such factors as the community of interest among employees sought to be included in the unit -- whether they are distinct, identifiable, and homogenous group; the scope of common supervisor; the extent of employee interchange and the physical location of the employees.

It is the position of this Board that petitioner's request to exclude business office clericals on the basis of no expressed interest in unionization must be denied.

At the close of the hearing, the petitioner presented a motion to the Board to amend his petition to exclude part-time employees. The motion to amend was denied by the Board because of its untimeliness, however to clarify the appropriate unit, it is felt that this issue must be addressed to a limited extent within this decision.

It is generally held that part-time employees who perform the same duties as full-time employees usually will be included in a unit with full-time employees, regardless of the number of hours they work. It is the similarity of interests and working conditions of the employees in the proposed unit which is most significant in determining whether they (part-time employees) will be included in the unit. It should be noted, however, there are

exceptions to this general rule. Since this Board has no evidence before it to the contrary, it is the Board's position that all part-time employees be included in an appropriate unit.

DECISION

It is the decision of this Board, based upon the foregoing facts and the stipulated positions agreed to by all parties at the time of the hearing, that the following unit is deemed appropriate:

All occupational employees of the Pike County Memorial Hospital including technicians, aides, housekeeping, dietary, maintenance, ambulance service, unit secretaries, business office clerical, and licensed practical nurses, but excluding guards, registered nurses and all other professional employees, Head of the Electrocardiogram Department, Executive housekeeper, Assistant Housekeeper, Head of the Laboratory Department, Head of Maintenance Department, Head of Medical Records and Admissions Department, Head of Pharmacy Department, Head of Physical Therapy Department, Head of Materials Management Department, Business Office Manager, Business Office Supervisor, Credit Manager, Personnel Director, Head of Emergency Medical Services, Head of Respiratory Therapy Department, head of X-Ray Department, Head of Dietary Department, Supervisor of Dietary Department, Secretary to Administrator, Secretary to Personnel Director, and Administrative Secretary to Director of Nursing Services.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the Chairman of the State Board of Mediation among the employees in the unit found appropriate, as early as possible, but not later than thirty days from the date below. The exact time and place will be set forth in the notice of election to be issued subsequently, subject to the Board's rules and regulations. Eligible to vote are those in the unit who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period, because they were out ill or on vacation. Ineligible to vote are employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

Those eligible shall vote whether (or not) they desire to be represented for the purpose of exclusive recognition by Communications Workers of America.

It is hereby ordered that the respondent shall submit to the Chairman of the State Board of Mediation, as well as to the petitioner, within seven days from the date of receipt of this decision, an alphabetical list of the employees in the unit determined above to be appropriate who were employed during the designated payroll period.

Entered this 30th day of November, 1976.

(SEAL)

MISSOURI STATE BOARD OF MEDIATION

/s/ Michael Horn
Michael Horn, Chairman

/s/ Harry R. Scott
Harry R. Scott, Employer Member

DISSENTING /s/ Robert Missey
Robert Missey, Labor Member